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TAGS: [PBTS](#) [EPET](#) [EFIS](#) [PREL](#) [BB](#) [TT](#) [XL](#)  
SUBJECT: BARBADOS/TRINIDAD MARITIME BOUNDARY DISPUTE: THE  
INSIDE STORY

REF: BRIDGETOWN 635

Classified By: DCM Mary Ellen T. Gilroy for reasons 1.4(b) and (d).

¶1. (C) Summary: Barbados Ministry of Foreign Affairs (MFA) Permanent Secretary Teresa Marshall invited representatives from the U.S., Canada, and the U.K. to the MFA for a private briefing on the recently settled Barbados/Trinidad maritime boundary dispute. Marshall painted a picture of slippery Trinidadian negotiators operating in bad faith and putting on a show to keep Barbados from going to arbitration. Marshall characterized Barbados' assertion of historic fishing rights off Tobago as a "long shot" negotiating position rather than a serious claim. She said the Government of Barbados (GOB) is glad to have the case resolved and soon plans to solicit bids from oil companies for the right to prospect for oil in the no-longer-disputed territory. She was less optimistic on the possibility of quickly concluding a fisheries agreement with Trinidad. To formalize its other maritime boundaries, the GOB plans to assert a continental shelf claim to the east and negotiate firm maritime borders with Guyana in the south and France (Martinique and Guadeloupe) in the north. End Summary.

¶2. (SBU) Barbados MFA Permanent Secretary Teresa Marshall called Chiefs of Mission from the U.S., U.K., and Canada to a private MFA briefing May 17 to explain further the April 11 ruling on the Barbados/Trinidad and Tobago maritime boundary dispute handed down by the Permanent Court of Arbitration in the Hague (reftel). Both countries initially claimed victory in the dispute. Perhaps in reaction to this ambiguity, Marshall sought to clarify Barbados' position and give a behind-the-scenes view of the dispute from the GOB perspective.

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¶3. (C) In a series of anecdotes accompanied by several maps on Powerpoint, Marshall took the assembled group through the history of the case. She described Barbados PM Owen Arthur's 2004 decision to take the case to arbitration as a last resort, after several rounds of fruitless negotiations with Trinidad. She hypothesized that Trinidad was motivated by its oil and gas unitization deals with Venezuela and the desire to exploit undersea oil and mineral wealth from as large an area as possible. Marshall indicated that Trinidad had an aggressive initial claim (far north of the eventual arbitral award), and maintained the same position throughout five rounds of bilateral negotiations. She offered a litany

of charges against the Trinidadian side to back up her statement that Trinidad had negotiated in bad faith while trying to establish "squatter's rights" by scheming to drill oil wells in the disputed territory.

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Case Timeline  
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¶4. (C) Although Barbados and Trinidad had been negotiating bilaterally on this dispute since 2000, events began escalating in 2003 when Barbados and Guyana concluded negotiations on a bilateral Exclusive Economic Zone (EEZ) treaty. Those two nations asserted that a 1990 maritime boundary treaty between Trinidad and Venezuela unfairly carved up areas claimed by Barbados and Guyana. Barbados Prime Minister Owen Arthur and Guyanese President Bharrat Jagdeo cornered Trinidadian Prime Minister Patrick Manning in 2003 at an international conference and extracted a pledge from Manning to ask his Cabinet to review the 1990 treaty. (Note: Marshall pointed out that Manning was the opposition leader in 1990 and had originally opposed the treaty with Venezuela. End note.) At this same time, GOB frustration with Trinidad was building as the fifth round of bilateral boundary negotiations ended with no change in the aggressive Trinidadian claim. The straw that broke the camel's back occurred when Trinidad arrested several Barbadian fishermen off the coast of Tobago in 2004. PM Arthur immediately imposed monitoring licenses on CARICOM imports (a first step towards trade sanctions against Trinidad) and called PM Manning to Barbados for an emergency meeting.

¶5. (C) When the urgent meeting convened in Barbados in early 2004, PM Manning took a hard line, insisting the 1990 treaty was unchangeable. Marshall quoted Manning as saying, "If you want to take me to court, go ahead." The GOB took that statement as a clear sign Trinidad was unwilling to negotiate. Marshall said the GOB had an internal discussion and decided to take the case to the Hague. As she put it, there were three reasons for the Barbados decision: 1) Trinidad was clearly unwilling to negotiate, 2) Trinidad had worked out oil and gas unitization deals with Venezuela affecting the disputed territory without input from Barbados or Guyana, and 3) Trinidad was filibustering on fisheries by not negotiating seriously. Furthermore, the possible start of Trinidadian oil exploration in disputed territory could give them "squatter's rights" that would hurt the GOB position during arbitration.

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Barbados' Position  
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¶6. (C) Barbados initiated its case at the Permanent Court of Arbitration in the Hague on February 16, 2004. When the Hague case began, Trinidad cut its aggressive claim to the north nearly in half, further fueling the GOB perception that its CARICOM neighbor had been negotiating in bad faith. Barbados based its case on three arguments: 1) The maintenance of traditional fishing grounds off the coast of Tobago, 2) Boundary delimitation based on a median line between the two countries, and 3) Non-recognition of the 1990 Trinidad-Venezuela maritime boundary treaty.

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Trinidad's Position  
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¶7. (C) According to Marshall, maritime boundary negotiations ordinarily start at the median line between the two countries and then each side presents special circumstances that would warrant a deviation from the median. Trinidad started with a claim well past the Barbados side of the median. It supported its claim by arguing that Trinidad has a longer coastline than Barbados. (Note: Marshall called the Trinidadian methodology "novel" and not based on generally accepted practices of maritime delimitation. End

Note.) Marshall disclosed that at one point Trinidad was even willing to lay claim to the seabed and give Barbados the water above. She found this proposal humorous, and observed it was not a workable solution.

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The Award  
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¶8. (C) As covered in reftel, Trinidad eventually received 315 square nautical miles over the median line. Marshall said this award was made in deference to its longer coastline. Importantly, Trinidad is cut off at the 200 nautical mile mark and cannot lay claim to the continental shelf. Barbados, however, does have access to the shelf and must make a formal claim by 2009. Also, Marshall remarked that the ruling indirectly affected Trinidad's 1990 treaty with Venezuela. The Hague court decided that a small sliver of EEZ given to Venezuela in that 1990 treaty was not Trinidad's to give. To keep control of that area, Venezuela would have to negotiate with Guyana. The next step for Barbados is to formalize its other maritime boundaries. The GOB plans to assert a continental shelf claim to the east and negotiate firm maritime borders with Guyana in the south and France (Martinique and Guadeloupe) in the north.

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Fisheries  
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¶9. (C) According to Marshall, Trinidad kept bilateral fisheries negotiations going purely to keep Barbados from going to arbitration. As an example of Trinidadian posturing, Barbados Deputy Prime Minister Mia Mottley (the GOB lead in this case) said in a post-ruling presentation to parliament that Trinidad offered "to allow Barbadian fishermen access off Tobago during the months of April and May even though it is well known to all and sundry that it was during November to February that the flying fish are found in the waters off Tobago." Marshall also conveyed the GOB's view that Trinidad had delayed the creation of a Barbados-Trinidad joint scientific committee on fisheries, blocked progress on a common CARICOM fisheries policy, falsely claimed that overfishing was reducing flying fish

stocks, and greatly exaggerated the number of Barbadian fishermen operating near Tobago.

¶10. (C) Although the panel decided it did not have jurisdiction to rule directly on the fisheries dispute, it made a statement binding the two sides to work out a bilateral agreement (reftel). Marshall said even this statement by the panel was a small victory, and only came about because of a throwaway comment that John Jeremy, the Trinidadian Attorney General and lead negotiator, made during his country's closing statement to the arbitrators. He remarked, "We would be happy to negotiate a bilateral fisheries agreement with Barbados." The panel took him at his word and made his statement binding upon the Government of Trinidad and Tobago. Marshall expressed doubt that the GOB could quickly conclude a fisheries agreement with Trinidad.

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Oil  
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¶11. (C) As mentioned reftel, oil exploration rights have been at the heart of this dispute. Marshall explained that, at the time arbitration began in 2004, the GOB instituted a moratorium on offshore exploration in its waters. Now that the Hague court has made its ruling, the GOB plans to quickly solicit bids for exploration licenses and has sent a letter to that effect to interested companies. Previous prospecting for oil by ConocoPhillips was unsuccessful and that company relinquished its license in 2004. The GOB, however, remains hopeful that someone can find oil in its newly defined maritime territory. ExxonMobil has expressed interest in

bidding for the license, and other companies will likely follow suit.

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Comment  
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¶12. (C) This maritime boundary dispute had sown discord between CARICOM partners Barbados and Trinidad for years. Now that the matter is settled, the two sides should be able to move on and repair the damage to their relationship. Barbados Deputy PM Mottley used the old adage, "Good fences make good neighbors" in her parliamentary statement to describe how the ruling would ease tensions between the two countries. Although admittedly one-sided, Marshall's account offers a rare inside glimpse into one of the many internecine battles within CARICOM. Such squabbles over boundaries, trade, and immigration have generated mistrust between countries and made the regional integration process slower and more difficult.

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